

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**VDATA, LLC,  
and  
VCODE HOLDINGS, INC.,**

**Civil No. 06-1701 JNE/SRN**

**Petitioners,**

**v.**

**ORDER**

**AETNA, INC., PNY TECHNOLOGIES, INC.,  
MERCHANT'S CREDIT GUIDE CO.,  
THE ALLSTATE CORPORATION,  
and  
AMERICAN HERITAGE LIFE INSURANCE CO.,**

**Respondents.**

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated October 31, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Merchant's Motion to Stay Litigation Pending Reexamination Proceedings (Doc. No. 22) be **GRANTED**;
2. Aetna's Motion to Dismiss (Doc. No. 42) be **DENIED**;
3. Aetna's Motion for Sanctions (Doc. No. 55) be **DENIED**;

4. Plaintiff's Motion to Strike Exhibits (Doc. No. 59) be **DENIED as MOOT**;
5. Plaintiff's Motion to Strike Exhibits (Doc. No. 71) be **DENIED as MOOT**.

DATED: November 21, 2006.

s/ Joan N. Ericksen  
Judge Joan N. Ericksen  
United States District Court Judge